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Trial of 2 for Espionage May Inhibit Leaks of Government Information

By DAVID BURNHAM
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ALEXANDRIA, Va., April 30—An espionage trial, scheduled to begin here tomorrow, carries an implied threat that could reduce the leaks of Government information that in recent years have frequently disturbed the Nixon, Ford and Carter Administrations.

An obscure Government official and a Vietnamese graduate student have been indicted on charges of stealing sensitive documents for Vietnam. According to the lawyers involved in the case, several Federal officials and Congressional investigators, the indictments may have the indirect but significant effect of making all civil servants think more carefully about leaking to the press information about the operation of their agencies.

The defendants are Ronald L. Humphrey, 42 years old, a middle-level foreign service officer in the United States Information Agency, and David Truong, 32, a part-time graduate student at George Washington University who had long been active in the Vietnamese peace movement.

Mr. Humphrey and Mr. Truong were arrested on Jan. 31 on charges that they conspired to deliver to the Government of Vietnam documents and other information "relating to the national defense" of the United States that the two men believed "would be used to the injury of the United States and the advantage of a foreign nation."

"While I have no information about the merits of the charges, there is no question that the Carter Administration has begun a concerted effort to close down on the leaks and whistle-blowers—and this case won't hurt that effort," said one official in a Federal health agency.

'Inhibiting Impact' Is Seen

"There is no question this case will have an inhibiting impact, especially if the defense lawyers can show the documents they gave Vietnam did not affect the nation's security," said a Congressional investigator with extensive experience in using leaked information to publicize faulty programs of the executive branch.

"Who is going to leak something to Jack Anderson if they think the Government might slap an espionage charge on them?" asked Warren L. Miller, one of Mr. Humphrey's lawyers, referring to the columnist.

Other officials previously have noted that the case could have a far-reaching impact on the immediate power of the President.

If the Government obtains a conviction and the decision is upheld by the Supreme Court, it would be the first time that the President and the police agencies he directs were formally authorized to use secret wiretaps and other kinds of electronic surveillance equipment without the prior approval of a judge.

According to court testimony, President Carter personally authorized Federal agents to open packages and envelopes allegedly sent by Mr. Truong to Vietnamese representatives in Paris. He is also said to have authorized the installation of a secret videotape camera in Mr. Humphrey's U.S.I.A. office.

Attorney General Griffin B. Bell permitted the F.B.I. to monitor Mr. Truong's telephone and to place a secret microphone in his apartment last May, according to testimony and documents in the case. In none of these instances was a warrant obtained.

Under the Omnibus Crime Control Act of 1968 and a Supreme Court ruling in 1972, the Government is required by the Fourth Amendment of the Constitution to obtain a warrant before conducting electronic surveillances in cases involving traditional kinds of crime or domestic security investigations.

But Presidents going back at least to Franklin D. Roosevelt have asserted that the constitutional mandate of their oath of office to "preserve, protect and defend the Constitution" gives the executive branch the inherent power to use wiretaps and transmitting devices without a warrant in cases involving national security.

It is the application of this power by President Carter, as much as the future of the two defendants, that faces trial here in the three-story brick Federal Court House in this 229-year-old city about six miles down the Potomac from Washington.

The arrests of Mr. Humphrey and Mr. Truong and the subsequent expulsion of Vietnam's ambassador to the United Nations are seen by some as further dampening the effort to improve relations between the United States and Vietnam.

Charges of Conspiracy

The trial, depending on its outcome, also may affect a bill being considered by Congress that is designed to provide new restrictions on when and how the President can order the use of electronic spying devices in national security cases. Furthermore, the trial could influence Congress's decision on legislation setting out specific charters for the Federal Bureau of Investigation, the Central Intelligence Agency and the National Security Agency.

The maximum sentence for espionage is life in prison, and in the last decade at least nine individuals have been sentenced to 15 or more years in prison. Lawyers for both Mr. Humphrey and Mr. Truong said last week in separate interviews that they would defend their clients on the merits of the charges brought against them and did not anticipate they would plead guilty to lesser charges. They have pleaded not guilty to charges of espionage, conspiracy and failure to register as foreign agents.

Upon their arrests, both defendants were held on \$250,000 bail. Mr. Humphrey has remained in jail since his arrest except for several visits to his lawyer's office ordered by Federal District Judge Albert V. Bryan Jr., who will preside at the trial.

But Mr. Truong was released in early April when the American Friends Service Committee, a branch of the National Council of Churches, his sister and some friends paid the required security.

Mr. Truong has benefited from the formation of the Vietnam Trial Support Committee by a number of persons previously associated with the movement against the Vietnam War. The committee has helped raise more than \$8,000 for such legal expenses as a \$48 locking bar to guard secret documents provided his lawyer by the Government, the cost of copying important papers and a trip to Paris.

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